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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,338	03/29/2001	Martin Sting	1370/14	5357

7590

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 05/14/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/821,338

Applicant(s)

STING ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belec et al. (5,388,388) in view of Becher (German Patent 2319866).

Belec discloses an envelope filling station having an envelope filling bench (Fig. 2; via deck 36) which is added onto a push in station (Fig. 2; via inserting station 20) of a mail processing machine, in which enclosures or sets of enclosures are conveyed (Fig. 3; via belt transport 52) into the push in station ((20) by means of conveyor and are pushed into envelopes (24) by means of a push in arrangement, the envelopes being conveyed by means of an envelope conveying arrangement (Fig. 3; via belt 34), on the envelope filling bench (36), into a position opposite the push in arrangement and being opened there (Fig. 3; via suction cups 48) and held ready for receiving the enclosures or sets of enclosures (Fig. 3), and once filled being conveyed further characterized in that the envelope conveying arrangement contains a circulating envelope conveying belt (34) of which the top strand is guided over the envelope filling bench (36); stop means are arranged along the top strand of the envelope conveying belt and can be brought into an active position directly above the level of the envelope filling bench and the envelopes can be conveyed up separately against in particular adjustable stops (Fig. 2; via back stop 38) from a horizontal direction perpendicular to the running direction of the top strand of the envelope

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conveying belt (34); the envelope conveying arrangement being oriented transversely to the push in direction, see for example (Figs. 2 and 3; via the envelope conveying arrangement via belt 34 is being oriented transversely to the pusher 50 while in its way between the two rolls). Belec does not disclose a roller bar is lowered against the top strand of the circulating envelope conveying belt and raised from it in a controlled manner. However, Becher discloses a similar envelope filling station comprising a roller bar (Fig. 2; via 25 and 31) is lowered against the top strand of the circulating envelope conveying belt and raised from it in a controlled manner (Figs. 1 and 2); and has beam like carrier housing which is coupled to drive means (Figs. 1 and 2; via 34 and 38) for raising and lowering it.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the upper conveying means (54) of Belec by having Becher's roller bar (25 and 31) in order to control the conveying of the envelop by using a plurality of rollers which simplify the conveying process.

Belec not clearly disclosing that the circulating envelope conveying belt is oriented transversely to the push in direction. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Belec's envelope filling station by making the circulating envelope conveying belt is oriented transversely to the push in direction, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Response to Arguments

Applicant's arguments filed 5/2/2003 have been fully considered but they are not persuasive.

Applicants argue in page 3 of the arguments that Belec nor Becher's references disclose "the envelope conveying arrangement" as being "oriented transversely to the push in direction." And further argue in page 4 of the arguments applicants traverse the examiner's contention that the use of the transverse orientation "involves only routine skill in the art". The examiner believes that Belec's reference clearly discloses that "the envelope conveying arrangement" as being "oriented transversely to the push in direction.", see for example (Figs. 2 and 3; via the envelope conveying arrangement via belt 34 is being oriented transversely to the pusher 50 while in its way between the two rolls). The examiner also still believes it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Belec's envelope filling station by making the circulating envelope conveying belt is oriented transversely to the push in direction, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167., the examiner believes moving and/or changing locations of parts involves only routine skill in the art and would not require a lot of creativity.

Applicants further argue in page 4 of the arguments that Becher's reference does not disclose the transverse orientation. The examiner agrees with the applicants that Becher's reference does not disclose the transverse orientation, but the examiner still believes that Belec's reference discloses the transverse orientation see for example (Figs. 2 and 3; via the envelope conveying arrangement via belt 34 is being oriented transversely to the pusher 50 while in its way between the two rolls). The examiner also still believes it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Belec's envelope filling station by making the circulating envelope conveying belt is oriented

transversely to the push in direction, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167., the examiner believes moving and/or changing locations of parts involves only routine skill in the art and would not require a lot of creativity.

Applicants also argue in page 5 of the arguments that Belec nor Becher's references disclose an automated raising and lowering feature for roller bar. The examiner believes that Becher's reference clearly discloses that raising and lowering feature for roller bar as shown in Figs. 1 and 2, the examiner also believes that such rising and lowering feature for roller bar has to be automated in order to pivot the bar as seen the differences of the bar locations in Figs. 1 and 2.

Applicants also argue in page 5 of the arguments that neither Belec nor Becher references include any description or disclosure of the "auxiliary conveying arrangement". The examiner believes such limitations disclosed by Belec's reference, see for example Figs. 3 and 4; via belt 54.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.
May 13, 2003



EUGENE KIM
PRIMARY EXAMINER